

REMARKS

With regard to the objections to the drawings, new claims 8-12 are being submitted herewith which should overcome these objections. With regard reference numeral "12," however, it is not a mistake to refer to "base" and "substrate" as these terms may be synonymous.

With regard to the objections to the disclosure, the reference to Figure 5 has been removed. With regard to the Examiner's objections that numerals have been used in the specification without reference to particular figure numbers, it is applicant's understanding that figure numbers need not be used, so long as the numerical references can be found in any of the figures, which they apparently can be. For example, although there is no reference numeral 12 in Figure 2, there is a reference numeral 12 in Figure 1. With regard to "metal engaging surface," this is simply another way of stating "work-engaging surfaces 14 of the die 10." With respect to "direct deposition head," it would be apparent to one of skill in the art that the entire apparatus shown in Figure 3 would qualify. With regard to the use of sensors in the generation of the signal, the disclosure in its entirety would certainly convey the understanding that an optical sensor is used in the preferred embodiment. In summary, although the Examiner contends that "appropriate correction is required," Applicant requests that the Examiner peruse the case to ascertain a deeper understanding of its teachings. With regard to the claims objections, and the rejections under 35 U.S.C. §112, second paragraph, again, the claims have been redrafted.

With regard to the rejection on the merits, previously submitted claims 1-7 were rejected under 35 U.S.C. §102(b) over Koch et al. (6,122,567). Essentially, the new claims add to the claim 1 the limitation of previous dependent claim 3, wherein the tool "is a die-cast die requiring a work contacting area having low solubility in the cast material." Although the Examiner previously rejected claim 3, this rejection was inadequate under 35 U.S.C. §102(b), which requires that each and every element of an invention be present in a single cited reference. RCA Corp. v. Applied Digital Data Systems, 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir. 1984). The only comment the Examiner made about previous claim 3 was that it "claims the use of a die-cast die as a tool, as per the description of Figure 12 of the patented reference ...". However, no mention is made with regard to solubility in this piece of prior art. References which "almost anticipate" do not anticipate at all.

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Based upon the foregoing amendments and comments, Applicant believes the pending claims of this application are in condition for allowance. Questions regarding this application may be directed to the undersigned attorney by telephone, facsimile or electronic mail.

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